

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julian Phillips	Team: Squad #5	CCRB Case #: 201901623	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 08/10/2018 8:13 PM	Location of Incident: § 87(2)(b)	Precinct: 114	18 Mo. SOL 2/10/2020	EO SOL 2/10/2020	
Date/Time CV Reported Wed, 02/20/2019 11:10 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 02/20/2019 11:10 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Joseph Dunn	17356	958531	114 PCT
2. POM Kevin Mendez	11189	964653	114 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Ming Zhang	3750	942839	114 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Joseph Dunn	Abuse: Police Officer Joseph Dunn entered § 87(2)(b) § 87(2)(b), in Queens.	§ 87(2)(b)
B.POM Kevin Mendez	Abuse: Police Officer Kevin Mendez entered § 87(2)(b) § 87(2)(b) in Queens.	§ 87(2)(b)

Case Summary

§ 87(2)(g)

The investigation did not obtain video footage of this incident.

On August 10, 2019, at approximately 8:13 p.m., § 87(2)(b) was inside her residence at § 87(2)(b) in Queens. § 87(2)(b) had previously shared the apartment with § 87(2)(b), but § 87(2)(b) had left the premises several months previously after § 87(2)(b) had obtained an Order of Protection against him. Police Officers Joseph Dunn and Kevin Mendez, both of the 114th Precinct, entered § 87(2)(b)'s apartment (**Allegations A and B: Abuse of Authority**, § 87(2)(g)).

§ 87(2)(b) was arrested and charged with § 87(2)(b) (11 Board Review).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Joseph Dunn entered § 87(2)(b), in Queens.

Allegation (B) Abuse of Authority: Police Officer Kevin Mendez entered § 87(2)(b) in Queens.

§ 87(2)(b) testified (**01 Board Review**) that she was asleep inside her bedroom. § 87(2)(b) abruptly heard knocking at her bedroom door, and PO Dunn and PO Mendez entered. § 87(2)(b) had not heard any noise at the apartment door prior to the officers' entry and did not know how the officers gained access, but noted that the apartment door had a defective lock and could easily be pushed open.

§ 87(2)(b) the resident owner of § 87(2)(b) provided a brief telephone statement about the incident (**02 Board Review**). § 87(2)(b) reported that he spoke to § 87(2)(b) PO Dunn, and PO Mendez in front of the building, but could not recall the substance of this conversation. § 87(2)(b) opened the front door of the building for the officers. § 87(2)(b) knew that the officers arrested § 87(2)(b) inside the building, but did not know how they gained access to the apartment.

§ 87(2)(b) testified (**03 Board Review**) that he flagged down PO Dunn and PO Mendez on the street because he had located his vehicle, which § 87(2)(b) had been using without his permission. § 87(2)(b) informed the officers that he resided at § 87(2)(b) and

showed the officers mail demonstrating this. § 87(2)(b) explained that § 87(2)(b) was temporarily occupying the apartment and had obtained an Order of Protection preventing him from going there, but stated that he was currently engaged in housing court proceedings to remove § 87(2)(b). § 87(2)(b) also showed the officers a complaint report that he had previously filed documenting § 87(2)(b)'s unauthorized use of his vehicle and stated that he believed that § 87(2)(b) was inside his apartment based on where and when she had parked his vehicle. § 87(2)(b) accompanied the officers to § 87(2)(b) and stood at the base of the interior stairwell while the officers knocked on § 87(2)(b)'s apartment door. § 87(2)(b) opened the door and spoke to the officers for several minutes before the officers stepped into the apartment. § 87(2)(b) could not hear or see if § 87(2)(b) consented to the officers entering the apartment or if she simply walked away from the door and the officers followed.

PO Dunn testified (**04 Board Review**) that § 87(2)(b) explained that § 87(2)(b) was temporarily residing in § 87(2)(b)'s apartment, and § 87(2)(b) was staying with a friend because § 87(2)(b)'s Order of Protection prevented him from going to the apartment without a police escort. § 87(2)(b) stated that he had filed a complaint report documenting § 87(2)(b)'s unauthorized use of his vehicle, which PO Dunn verified on his department-issued phone or tablet. § 87(2)(b) accompanied the officers to § 87(2)(b) and used his keys to unlock the apartment door for the officers. PO Dunn entered the apartment with the intention of arresting § 87(2)(b) for the open complaint report of her unauthorized use of § 87(2)(b)'s vehicle.

§ 87(2)(g) PO Mendez could not recall all of the details of the incident, but he confirmed that he believed the apartment belonged to § 87(2)(b). He also testified that either § 87(2)(b) or § 87(2)(b) unlocked the apartment to give the officers access.

Complaint Report § 87(2)(b) (**06 Board Review**) was generated upon § 87(2)(b)'s report of § 87(2)(b)'s unauthorized use of his vehicle on July 18, 2018. No warrant or I-Card was generated pursuant to this complaint report (**07 Board Review**).

§ 87(2)(g)
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Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one other CCRB complaint and has been named a victim in five allegations (**08 Board Review**).
 - § 87(2)(b)
- PO Dunn has been a member of the NYPD for four years and this is the first CCRB complaint to which he has been a subject.
- PO Mendez has been a member of the NYPD for one year and has been a subject in one additional CCRB complaint and two allegations, neither of which was substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of July 19, 2019, the New York City Office of the Comptroller had no record of a Notice of Claim being filed regarding this incident (**09 Board Review**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
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Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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